

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF

SEAN W MCKANE
DANIELLE E MCKANE,

DEBTORS

IN PROCEEDINGS
UNDER CHAPTER 13

CASE NO. 17-15719
JUDGE: Hollis

NOTICE OF MOTION

Notified via Electronic Filing

U.S. Trustee, 219 S Dearborn St, Room 873, Chicago, IL 60604

Glenn B. Stearns, 801 Warrenville Road, Suite 650, Lisle, IL 60532

David H Cutler, Cutler & Associates, Ltd., 4131 Main St., Skokie, IL 60076

Notified via US Postal Service

Sean W McKane, 15528 Bowie Dr., Westfield, IN 46074

Danielle E McKane, 15528 Bowie Dr., Westfield, IN 46074

Please take notice that on the 11th day of January, 2019, at the hour of 10:45 a.m. or as soon thereafter as I may be heard, I shall appear before the Honorable Judge Pamela Hollis, at the United States Bankruptcy Court, Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, IL 60432 or before any other Bankruptcy Judge who may be presiding in his/her place and stead and shall then and there present the accompanying motion. At that time and place you may attend if you so choose.

AFFIDAVIT OF SERVICE

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be sent to the Debtors at the address listed below. Said copy was placed in an envelope addressed as listed below and placed in the U.S. Mail on January 3, 2019, with first class postage prepaid. All other parties entitled to notice received such notice electronically, through the office of the Clerk of the Court.

Respectfully Submitted,

/s/ Michael N. Burke

Michael N. Burke

Mike Kalkowski ARDC #6185654
Richard B. Aronow ARDC# 03123969
Michael N. Burke ARDC#6291435
Shapiro Kreisman & Associates, LLC
2121 Waukegan Road, Suite 301
Bannockburn, IL 60015
(847) 291-1717
Attorneys for Movant
17-082627

The firm of Shapiro Kreisman & Associates, LLC is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally.

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**MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR IN THE ALTERNATIVE
DISMISSAL OF THE CASE**

NOW COMES the Movant, Nationstar Mortgage LLC d/b/a Mr. Cooper, by and through its attorneys, Shapiro Kreisman & Associates, LLC, and states as follows:

1. On May 22, 2017, the above-named Debtors filed a Petition pursuant to 11 USC § 1301, et. seq. and a Plan which was confirmed on July 27, 2017.
2. A material term of said plan called for the Debtors to make post-petition monthly mortgage payments directly to the Movant commencing with the installment that came due on June 1, 2017.
3. Notwithstanding said material term, said post-petition mortgage payments are in default in the amount of \$6,282.20 through January 31, 2019:

10/1/2018 - 12/1/2018 monthly payments at \$2,058.30 each	= \$	6,174.90
Suspense balance	= \$	(923.70)
Bankruptcy MFR court cost	= \$	181.00
Bankruptcy Attorneys' fees	= \$	850.00
TOTAL	= \$	6,282.20

4. By failing to make current mortgage payments, the Debtors have failed to provide the Movant with adequate protection for its security, contrary to the requirements of the Bankruptcy Code.
5. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.
6. That the Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
7. Upon information and belief, an additional lien exists against the subject property in the amount of \$72,221.00.
8. This failure constitutes a material default entitling Movant to relief pursuant to 11 U.S.C. §362(d).
9. For the reasons set forth above, it would be inequitable to delay the enforcement of any order modifying the automatic stay with respect to the Movant.

WHEREFORE, Nationstar Mortgage LLC d/b/a Mr. Cooper, moves this Honorable Court to modify the automatic stay to allow Nationstar Mortgage LLC d/b/a Mr. Cooper to foreclose the mortgage or, in its sole discretion, to accept a short sale or deed in lieu of foreclosure on the property located at: 2539 Emerald Lane, Yorkville, IL 60560; that the unpaid portion of any proof of claim or stipulation calling for payment of the debt secured by that mortgage be withdrawn for purposes of these proceedings only and that Federal

Bankruptcy Rule 4001(a)(3) be waived or dismiss the case.

Respectfully submitted,

/s/ Michael N. Burke
Attorney for Nationstar Mortgage LLC d/b/a Mr.
Cooper

Mike Kalkowski ARDC #6185654
Richard B. Aronow ARDC# 03123969
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